

SEC. 5223. PROHIBITION AGAINST DOCUMENTS PORTRAYING THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.

The Government Publishing Office should not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea that is disputed among two or more parties or the territory or airspace of areas administered by Japan or the Republic of Korea, including in the East China Sea, is part of the territory or airspace of the People's Republic of China.

SEC. 5224. AUTHORIZATION TO PROHIBIT CERTAIN ASSISTANCE TO COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) **PROHIBITION.**—Except as provided by subsection (c) or (d), no amounts should be obligated or expended to provide foreign assistance to the government of any country identified in a report required by subsection (b) during the 3-year period beginning on the date of the enactment of this Act.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the appropriate committees of Congress a report identifying each country that the Secretary determines has taken an official and stated position to recognize, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace disputed by one or more countries in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) **PUBLIC AVAILABILITY.**—The Secretary of State shall publish the unclassified part of the report required by paragraph (1) on a publicly available website of the Department of State.

(c) **EXCEPTION.**—This section shall not apply with respect to—

(1) Taiwan;

(2) counterterrorism, counter-narcotics, or law enforcement activities; or

(3) global health, democracy, cybersecurity, humanitarian, disaster, or emergency food assistance.

(d) **WAIVER.**—The President may waive the application of subsection (a) with respect to the government of a country if the President determines that the waiver is in the national interests of the United States.

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 2107. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr.

SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, on line 20, insert “Appointment as a program director under this section shall be voluntary.” after “tor.”

Beginning on page 113, strike line 24 and all that follows through line 3 on page 115 and insert the following:

(3) **DIRECT HIRE AUTHORITY.**—

(A) **IN GENERAL.**—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303, 3304(b), and 3328 of that title, a qualified candidate described in subparagraph (B) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(B) **FELLOWSHIP OR TEMPORARY ROTATIONAL POSTING.**—Subparagraph (A) applies with respect to a former recipient of an award under this subsection who—

(i) earned a doctoral degree in a STEM field from an institution of higher education; and

(ii) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(C) **LIMITATION.**—The direct hire authority under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the requirements related to the fellowship or temporary rotational posting described under this subsection.

(D) **NUMBER.**—The number of employees appointed and retained by the Federal Government under this paragraph shall not exceed 10 at any time.

Strike section 2204 and insert the following:

SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.

(a) **STUDY.**—Not later than 30 days after the date of enactment of this division, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(1) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology and Innovation;

(2) evaluate and make recommendations to ensure coordination of the Directorate for Technology and Innovation with other directorates and offices of the Foundation and other Federal agencies; and

(3) make recommendations for the management of the Foundation's business and personnel practices, including implementation of the new hiring authorities and program director authorities provided in section 2103.

(b) **REVIEW.**—Upon completion of the study under paragraph (1), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

Strike section 2665 and insert the following:

SEC. 2665. APPOINTMENT AND COMPENSATION PILOT PROGRAM.

(a) **DEFINITION OF COVERED PROVISIONS.**—In this section, the term “covered provisions” means the provisions of title 5, United States Code, other than—

- (1) section 2301 of that title;
- (2) section 2302 of that title;
- (3) chapter 33 of that title;
- (4) chapter 71 of that title;
- (5) chapter 72 of that title; and
- (6) chapter 73 of that title.

(b) **ESTABLISHMENT.**—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) **ADMINISTRATOR RESPONSIBILITIES.**—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

(d) **REPORT.**—Not later than 2 years after the date of the enactment of this division, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes in detail—

(A) the use of the pilot program hiring authority under this section, including pay, qualifications, and classification of individuals hired under such authority;

(B) the methods for recruitment under the program; and

(C) efforts being made by the NASA to address any compensation equity issue that may arise as a result of the program;

(2) analyzes the impact of the program on participants, disaggregated by demographic factors including age, race, ethnicity, gender, education, compensation, and job classification;

(3) compares the demographics of the program participants with the demographics of NASA employees outside the program;

(4) assesses the morale and engagement of the NASA workforce participating in the program, as compared to the morale and engagement of the NASA workforce outside the program; and

(5) makes recommendations with respect to the continuation, modification, or permanent codification of the program.

Strike section 2669 and insert the following:

SEC. 2669. SEPARATIONS AND RETIREMENT INCENTIVES.

(a) **VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**—

Subchapter II of chapter 35 of title 5, United States Code, is amended—

(1) in section 3521—

(A) by striking paragraph (1) and inserting the following:

“(1) ‘agency’—

“(A) means an Executive agency as defined under section 105 (other than the Government Accountability Office); and

“(B) includes the National Aeronautics and Space Administration; and”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “and” at the end;

(ii) in subparagraph (B)(vi)(III), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) shall include an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b).”; and

(2) in section 3523(b)(3)(B), by inserting “(or, during the 7-year period beginning on the date of enactment of the United States Innovation and Competition Act of 2021, with respect to an employee of the National Aeronautics and Space Administration, including an employee described in section 3521(2)(C), not to exceed \$40,000)” after “\$25,000”.

(b) EARLY RETIREMENT.—Title 5, United States Code, is amended—

(1) in section 8336(d), in the matter preceding paragraph (1), by inserting “(including, for the purposes of paragraph (2), an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b))” after “An employee”; and

(2) in section 8414(b)(1), in the matter preceding subparagraph (A), by inserting “(including, for the purposes of subparagraph (B), an employee of the National Aeronautics and Space Administration appointed in accordance with paragraph (1) or (2) of section 20113(b) of title 51, without regard to any other provision of such section 20113(b))” after “an employee”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DURBIN. Mr. President, I have 8 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 9:30 a.m., to conduct a hearing on a nomination.

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 9:30 a.m., to conduct a hearing.

SUBCOMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to

meet during the session of the Senate on Thursday, May 27, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 9:45 a.m., to conduct a hearing on nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 11 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 10:15 a.m., to conduct a hearing on a nomination.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, May 27, 2021, at 10 a.m., to conduct a hearing on nominations.

PRIVILEGES OF THE FLOOR

Mr. WICKER. Mr. President, it is my pleasure to ask unanimous consent that Flannery Egner, an intern with the Committee on Commerce, Science, and Transportation minority staff, be granted floor privileges for the remainder of the 117th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

ORDERS FOR FRIDAY, MAY 28, 2021

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9 a.m., Friday, May 28; that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day; and finally, that all recess count postcloture on the Schumer substitute amendment No. 1502.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS UNTIL 9 A.M. ON FRIDAY, MAY 28, 2021

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 2:51 a.m., recessed until Friday, May 28, 2021, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 27, 2021:

DEPARTMENT OF DEFENSE

CHRISTINE ELIZABETH WORMUTH, OF VIRGINIA, TO BE SECRETARY OF THE ARMY.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

BRIAN EDDIE NELSON, OF CALIFORNIA, TO BE UNDER SECRETARY FOR TERRORISM AND FINANCIAL CRIMES, VICE SIGAL MANDELKER, RESIGNED.

ELIZABETH ROSENBERG, OF VERMONT, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE MARSHALL BILLINGSLEA.

DEPARTMENT OF COMMERCE

ARUN VENKATARAMAN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE IAN PAUL STEFF.

EXECUTIVE OFFICE OF THE PRESIDENT

SARAH BIANCHI, OF VIRGINIA, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (ASIA, AFRICA, INVESTMENT, SERVICES, TEXTILES, AND INDUSTRIAL COMPETITIVENESS), WITH THE RANK OF AMBASSADOR, VICE JEFFREY GERRISH.

DEPARTMENT OF EDUCATION

ELIZABETH MERRILL BROWN, OF MARYLAND, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE CARLOS G. MUNIZ, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

GWYNNE A. WILCOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2023, VICE MARK GASTON PEARCE, TERM EXPIRED.

DEPARTMENT OF JUSTICE

MATTHEW G. OLSEN, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN C. DEMERS.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 7037, AND 7064:

To be brigadier general

COL. ALISON C. MARTIN
COL. DAVID E. MENDELSON
COL. GEORGE R. SMAWLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. EUGENE D. COX
COL. CLINTON K. MURRAY
COL. DEYDRE S. TEYHEN